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STATEMENT ON BEHALF OF AMNESTY INTERNATIONAL TO THE FOURTH COMMITTEE OF THE THIRTY-FIFTH SESSION OF THE GENERAL ASSEMBLY IN CONNECTION WITH THE QUESTION OF EAST TIMOR

On behalf of Amnesty International, I thank you for the opportunity to appear before you in connection with the question of East Timor.

I would like to draw to your attention at the outset that Amnesty International's mandate is specific. It seeks the release of "prisoners of conscience" - persons who have been imprisoned for the non-violent exercise of their beliefs, for their ethnic origin, colour, sex, language or religion. It works for fair and early trials for all political prisoners and on behalf of prisoners detained without charge or trial. It opposes without reservation the death penalty and torture or other cruel, inhuman or degrading treatment or punishment. These are the areas that are addressed in this statement in the belief they are relevant to your present consideration of the question of East Timor.

Since December 1975, after the Indonesian invasion, there have been persistent reports of violations of human rights in East Timor relating to imprisonment and execution without trial of both civilians and former combatants. Amnesty International has encountered considerable difficulty in establishing their veracity primarily because of a strict prohibition imposed by the Indonesian occupation forces which has prevented unhindered access to the territory and the free flow of information out of it.

However, on the basis of what it considers to be reliable reports received in recent months, Amnesty International is particularly concerned about:

- Timorese who, having surrendered under the terms of an amnesty guaranteeing their personal safety or who were captured, have subsequently "disappeared" without trace;

- Summary executions of persons who have surrendered to or been captured by Indonesian forces;

- The large number of persons who have been held in prisons without trial since the invasion and who, as they took no part in the fighting, must be regarded as political prisoners and, in some cases, as prisoners of conscience since they neither used nor advocated violence;

- harsh prison conditions which constitute cruel, inhuman and degrading treatment or punishment.

In August 1977, President Suharto offered an amnesty to all 'Fretilin remnants' who surrendered to Indonesian forces. The offer initially ran

until 31 December 1977, but was renewed. In the past three years, and particularly since mid-1978, large numbers of East Timorese have surrendered, including a number of Fretilin leaders and fighters. Others during this same period were captured. Amnesty International is gravely concerned about the safety of these persons.

During 1979, there were a number of reports of persons "disappearing" after surrender or capture by Indonesian forces. Their present whereabouts remain unknown and there are fears they may have been executed. In February 1980, Amnesty International compiled a list of 22 such individuals. Some were reportedly killed immediately after surrender, but most simply "disappeared", either while in detention or, as in some cases, after release. These persons were taken from their places of detention or picked up from their homes and have not been seen since. For example, in early 1978 Leopoldo Joaquim, a member of the Fretilin Central Committee, surrendered, was detained for several months and upon release was required to report daily to the local military command. In April 1979, he was escorted to the house of his niece Maria Gorete Joaquim. Both were taken away, purportedly to Baucau. Neither has been seen or traced since. In March 1979, Dulce Maria da Cruz, who was a member of the Fretilin Central Committee, was captured with her three year old child. She was taken to Dili and detained. Nothing has been heard of her since.

Amnesty International has urged a full investigation into the present whereabouts of these as well as of others, said to have "disappeared" after surrender or capture. To its knowledge this has not been done. Amnesty International continues to receive reports of new cases. It is not, however, in a position to estimate the total number of "disappearances" in East Timor in view of the obstacles to gaining access to the true situation.

In some situations the dividing line between "disappearance" and murder or execution is slender and this apparently is true of the situation in East Timor.

Reports received by Amnesty International in 1979 and in 1980, the most recent being August 1980, allege large scale summary executions of persons who surrendered under the terms of the amnesty or were among those captured. Furthermore, there are allegations that persons who surrendered four years ago are now being executed for having assisted Fretilin. Reports also indicate that the East Timorese in general have been victims of reprisals, interrogation and arbitrary imprisonment. Amnesty International has also received reports of beatings of prisoners and persistent allegations of the use of torture to gain information.

According to information received by Amnesty International, Comarca prison, which in Portuguese times was the Dili District prison, holds the largest number of those detained by the Indonesian forces

for alleged pro-Fretilin sympathies. At the end of 1979, approximately 700 East Timorese were detained there. Conditions in the Comarca are believed to be harsh. A person who visited the prison late last year reports it was over-crowded and many prisoners appeared to be seriously under-nourished, their basic diet consisting of rice and kankung. In addition to malnutrition, tuberculosis is rampant in the prison. Prisoners are forced to sleep in close proximity one to another on stone floors. Adjacent to the prison is a swamp which seeps into the lower cells aggravating physical and health conditions.

Mr. Chairman, disturbed by continuing reports of the grave violations referred to here, Amnesty International in April 1980 wrote to President Suharto to draw his attention to these concerns. In its letter, Amnesty International:

i. Urged the Indonesian government to carry out its own investigation into the present whereabouts of persons who had "disappeared" after surrender or capture;

ii. Appealed to the Indonesian government to co-operate in ensuring the International Committee of the Red Cross be permitted to expand its activities in East Timor beyond the provision of relief so as to include its other internationally-recognized functions of tracing missing persons and visiting prisons;

iii. Requested President Suharto to instruct Indonesian forces in the territory of East Timor to ensure the physical safety of former Fretilin supporters in compliance with the terms of the amnesty originally offered by the President;

iv. Urged an investigation into the conditions in which several hundred East Timorese are being imprisoned; and asked for public assurance that prisoners would be treated in accordance with international standards governing the rights of persons held in detention.

In the light of the information Amnesty International had received, it considered such steps to be the minimum required. The minimum standards for the treatment of prisoners as set forth in the Geneva Conventions of 1949 governing areas of armed conflict prohibit torture and murder. According to internationally-recognized principles of law, all persons alleged to have committed crimes are to be treated, judged and punished within a framework of legality which is consistent with respect for and protection of human rights.

No reply to this letter has been received to date by Amnesty International, nor has there been any evidence that the steps urged on the Indonesian government have been implemented. In view of the lack of assurance from the government that these findings would be investigated; and in view of the reports of violations that continue to be received, Amnesty International's concern has intensified. Accordingly, Amnesty International felt this Committee should be and would wish to be informed of its concerns in connection with its present consideration of the question of East Timor.

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